IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 23510 of 2007(W)

AGAINST THE ORDER DATED 21/07/2007 IN EA.492/07,EP.344/06 IN OS.620/2003 of II ADDL.M.C.,NEYYATTINKARA

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PETITIONERS:
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1. **GOPALAKRISHNAN NAIR, S/O. VELAYUDHAN PILLAI, PRASANTH BHAVAN, BHAGAVATHI NADA, PALLICHAL VILLAGE AND DESOM.**

2. **GOPALAKRISHNAN PRADEEP, RESIDING AT -DO- -DO-**

3. **MANIKANTAN NAIR, S/O. VASUDEVAN PILLAI, JAYABHAVAN, BHAGAVATHI NADA, PALLICHAL VILLAGE, PALLICHAL DESOM.**

4. **ANIL KUMAR, S/O. MANIKANTAN NAIR, RESIDING AT -DO- -DO-**

5. **SIVASANKARAN PILLAI, S/O. PARAMESWARAN PILLAI, BABY SADANAM, BHAGAVATHI NADA, PALLICHAL VILLAGE AND DESOM.**

BY ADV. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.

RESPONDENTS:
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1. **PADMAKUMAR, S/O. BHASKARAN NAIR, PALAYITHIL VEEDU, BHAGAVATHI NADA, BALARAMAPURAM.**

2. **RADHA, W/O. PADMAKUMAR, RESIDING AT -DO- -DO-**

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.23510 OF 2007

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Dated this the 1st day of August 2007

JUDGMENT

This writ petition is filed for a direction to the Addl.Munsiff's Court-II, Neyyattinkara to issue certified copy of the order in I.A.No.4583 of 2005 in O.S.No.620 of 2003 within a time frame and to direct the same Munsiff to keep in abeyance all further proceedings in execution of the decree passed by the court below.

2. Heard counsel. The grievance of the petitioners is that they had filed an application for setting aside the ex parte decree and it was disposed of on 18.8.2006. They had filed an application for issuance of a certified copy as A-1891 of 2006 dated 30.8.2006. Till this day no copy is given. Therefore they are unable to prefer appeal against that order and get appropriate orders regarding the stay of the execution of the decree. An application was filed before the executing court which is the very same court stating the reasons that since no order is received, the execution proceedings may be stayed. The court below has dismissed the same. When a party has filed an application for issuance of a certified copy in August,

2006 and it is not still issued by the same court, the court should have considered the matter and granted a stay. But, instead of the same, the court simply dismissed the application. The party cannot be put to hardship by non-issuance of a certified copy.

Therefore the court below is directed to issue a certified copy of the order in I.A.No.4583/2005 giving priority within a period of 3 weeks from today and it is further directed to keep in abeyance all execution proceedings for a period of 4 weeks so as to enable the petitioners to move the appellate court for appropriate reliefs. If the arrest is already ordered, let it be kept in abeyance.

With the above directions, the writ petition is disposed of.

M.N.KRISHNAN, JUDGE

Cdp/-